

Senate Study Bill 3073 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE
ON JUDICIARY BILL BY
CHAIRPERSON HOGG)

A BILL FOR

1 An Act authorizing the placement of a child in group or family
2 foster care pursuant to a consent decree entered in juvenile
3 court.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 232.46, subsection 1, Code 2014, is
2 amended to read as follows:

3 1. a. At any time after the filing of a petition and
4 prior to entry of an order of adjudication pursuant to section
5 232.47, the court may suspend the proceedings on motion of the
6 county attorney or the child's counsel, enter a consent decree,
7 and continue the case under terms and conditions established by
8 the court. These terms and conditions may include ~~prohibiting~~
9 a any of the following:

10 (1) Prohibiting the child from driving a motor vehicle for
11 a specified period of time or under specific circumstances,
12 or the supervision. The court shall notify the department of
13 transportation of an order prohibiting the child from driving.

14 (2) Supervision of the child by a juvenile court officer or
15 other agency or person designated by the court, and may include
16 the requirement that the child perform.

17 (3) The performance of a work assignment of value to the
18 state or to the public or make making restitution consisting of
19 a monetary payment to the victim or a work assignment directly
20 of value to the victim. The court shall notify the state
21 department of transportation of an order prohibiting the child
22 from driving.

23 (4) Placement of the child in a group or family foster
24 care setting, if the court makes a determination that such a
25 placement is the least restrictive option.

26 b. Participation of a child in inpatient mental health or
27 substance abuse treatment does not preclude entry or continued
28 execution of a consent decree.

29 Sec. 2. Section 234.35, subsection 1, paragraph e, Code
30 2014, is amended to read as follows:

31 e. When a court has entered an order transferring the
32 legal custody of the child to a foster care placement pursuant
33 to section 232.46, section 232.52, subsection 2, paragraph
34 "d", or section 232.102, subsection 1. However, payment
35 for a group foster care placement shall be limited to those

1 placements which conform to a service area group foster care
2 plan established pursuant to section 232.143.

3 EXPLANATION

4 The inclusion of this explanation does not constitute agreement with
5 the explanation's substance by the members of the general assembly.

6 This bill relates to entering a consent decree in juvenile
7 court.

8 The bill permits the juvenile court to enter a consent decree
9 that places a child in a group or family foster care setting if
10 the court determines such a placement is the least restrictive
11 option.

12 The bill also authorizes the department of human services to
13 pay for group or family foster care costs of a juvenile placed
14 in group or family foster care pursuant to a consent decree.

15 The bill specifies that participation of a child in
16 inpatient mental health or substance abuse treatment does not
17 preclude entry or continued execution of a consent decree.

18 A consent decree is a court order entered after the filing
19 of a delinquency petition but prior to adjudication that is
20 an agreement between the juvenile court and the allegedly
21 delinquent child. If the child successfully completes the
22 terms and conditions of the consent decree, the original
23 delinquency petition cannot be reinstated against the child.
24 However, if the child does not successfully complete the terms
25 and conditions of the consent decree, the state can move
26 forward with the delinquency petition against the child.

27 The bill also makes numerous changes to Code section
28 232.46(1) to enhance the readability of subsection 1.

29 The bill is in response to State v. Iowa Dist. Court for
30 Warren County, 828 N.W. 607 (Iowa 2013).